

## **End of mission statement by the Designated Expert on human rights in Sudan of the UN High Commissioner for Human Rights, Mr. Radhouane Nouicer**

**12 July 2024 (GENEVA/NAIROBI)**

I have just concluded a visit to Port Sudan – my first to the country since the start of the conflict last April, and my second visit since my appointment in December 2022. I would like to express my appreciation to the authorities for their cooperation and for facilitating my visit. During the visit, I met with the Deputy Chair of the Transitional Sovereignty Council; the member of the Transitional Sovereignty Council in charge of the coordination with the United Nations; the acting Ministers of Justice, of Interior and of Social Development, Attorney-General and Under-Secretary of the Ministry of Foreign Affairs; Head of the National Human Rights Commission; officer-in-charge of the Humanitarian Affairs Commission; and members of the Unit on Combatting Violence Against Women, National Council for Child Welfare and National Mechanism for Reporting and Follow-up.

I also met with United Nations officials and humanitarian partners to hear their views about the most pressing issues in Sudan. In the context of this visit, I also exchanged with civil society actors and I commend their continued commitment to the promotion and protection of human rights in such a challenging context.

I had the opportunity to meet displaced communities and witness first-hand the impact of the conflict on the lives of people who were forced to flee, often multiple times, when the places where they sought safety came under attack, including recently in Sinja, Sennar State. I was appalled by the conditions in which displaced people have been obliged to live – for instance, I met with women, men, children, older persons and persons with disabilities (some as a result of the conflict) living in plastic tents under scorching temperatures, with limited access to essential services such as water, sanitation and hygiene, including female hygiene products, food, and health care. I was informed of incidents of forced evictions of displaced communities from schools used as gathering sites, often with little to no prior consultation with affected communities, and no adequate alternative shelter pre-identified. I have urged authorities to identify solutions – in consultation and with the participation of communities – that strike a balance between the respect for both the rights of internally displaced persons and the right of children to education, considering 17 million children are out of school.

The discussions with authorities were frank, transparent and were held in an atmosphere of mutual respect. They addressed four key concerns which require immediate attention.

- 1) **Protection of civilians:** I raised concerns regarding indiscriminate attacks carried out by the Sudanese Armed Forces, often without prior warning, on residential neighbourhoods since the beginning of the conflict and the use of explosive weapons with wide-area effects in populated areas, often leading to violations of the principles of distinction, proportionality and precaution under international humanitarian law, and resulting in civilian casualties and destruction of civilian objects, including schools and hospitals. I urged authorities to take all necessary measures to refrain from launching such attacks with a view to reducing harm to

civilians. I also highlighted the risks associated with the mobilization of civilians to fight alongside the Sudanese Armed Forces or affiliated armed groups, without any form of oversight. While acknowledging that many documented cases of conflict-related sexual violence, particularly rape and gang-rape, have been allegedly attributed to the Rapid Support Forces, I reminded the authorities of their obligations to take all necessary measures, including issuing strict orders to the Sudanese Armed Forces, to prohibit and prevent sexual and gender-based violence. In this context, I welcome the positive changes reported on the ground since the announcement by the acting Attorney-General of measures intended to facilitate access to justice and to abortion in accordance with the law for victims of sexual and gender-based violence.

- 2) **Unimpeded humanitarian access:** It is encouraging that there has recently been a slight improvement in the issuance of visas for humanitarian workers, and this needs to be sustained. I encouraged the authorities to speed up the administrative processes, including for the issuance of travel permits and the clearance of goods at the port and airports. I also specifically asked authorities to maintain and deliver on their commitment to provide visas for staff of the Office of the High Commissioner for Human Rights. I also raised concerns about restricted access to regions in dire need of humanitarian assistance, such as southern Darfur, and urged authorities to facilitate full, rapid, safe and unhindered access through the most practical routes. This is all the more important as the risk of famine is looming in certain States in Sudan, potentially affecting up to 755,000 people. I am also concerned at the shortage of funding for the humanitarian response, which has only reached about 17 percent of the required funding, and I call on donors to urgently increase funding and uphold financial commitments. I also urge funding to be channelled to host communities, whose generosity towards displaced communities has been humbling, but cannot last for much longer without support. Further, I am concerned about the lack of regulation for businesses involved in providing essential services, resulting in extortionate prices for commodities and transportation. Business owners should not be making profit out of human misery.
- 3) **Arbitrary arrests and detention, and restriction of civic space:** Since my last visit, I regretted that steps taken by the authorities to revise emergency legislation have stalled due to the conflict. The legislation has served as a basis for states of emergency imposed and renewed in at least 11 States since the beginning of the conflict, unduly restricting rights such as freedom of expression and association. I underlined to the authorities that states of emergency have resulted in greater powers of arrest and detention, without prosecutorial and judicial oversight, which has led to arbitrary arrest and detention. I also expressed serious concerns about recent amendments to the Security Act of 2010, which restore law enforcement powers to the General Intelligence Services with retroactive effect to February 2024, granting it broad powers to search, seize and arrest individuals, while according their personnel immunity from prosecution. This is a significant setback for Sudan and will entrench further impunity for human rights violations committed by the General Intelligence Services. I also raised the issue of arbitrary arrests, detention and interrogation conducted by so-called “joint security cells”, of numerous individuals

allegedly suspected of being affiliated with the Rapid Support Forces, as well as of refugees and migrants. Exceptional law enforcement powers under the states of emergency have also been used to arrest civil society actors, including members of Resistance Committees and humanitarian volunteers (from Emergency Response Rooms) based on their work or opinions. Holding opinions should not be penalised or lead to a judiciary process or detention. A number of individuals – both women and men – have been convicted of alleged crimes and given disproportionately heavy sentences, including in some cases the death penalty, following trials which appear to violate due process and fair trial rights.

- 4) **Accountability:** I reiterated to authorities that accountability for all human rights violations and abuses committed in the context of the conflict is critical to putting an end to impunity, which has been rampant in Sudan for decades. I recalled the State's responsibility to conduct prompt, thorough, effective, independent and impartial investigations into alleged violations of international human rights and international humanitarian law committed during the conflict, regardless of the alleged perpetrators and recalled the obligation to ensure that all alleged perpetrators, including those in high-ranking positions, are prosecuted, and to provide reparations and support to victims and their families. This was acknowledged by our Sudanese interlocutors. Whilst acknowledging the War Crimes Committee's work on collecting and securing evidence of gross human rights abuses and serious violations of international humanitarian law perpetrated by the Rapid Support Forces, I noted significant shortcomings, particularly the fact that its mandate is limited to acts committed by the Rapid Support Forces. I further urged the authorities to look into violations and abuses committed by the Sudanese Armed Forces and other armed groups. I expressed serious reservations about the Committee's investigative mandate targeting individuals that are perceived to be "collaborators" of the Rapid Support Forces, which could be used to target civilian or political opponents in the context of the war. An example of such concerns is the mass prosecution of at least 92 anti-war and political dissenters based on an initial complaint submitted by the Committee, on charges punishable by the death penalty. These issues raise concerns regarding the impartiality, independence and objectives of the work of the Committee.

In my discussions, I also recalled some of the most egregious abuses committed by the Rapid Support Forces and its allied groups, including targeted killings based on ethnic grounds in West Darfur, conflict-related sexual violence with a view to destroying the social fabric of communities, unlawful forced displacement of civilians, recruitment of children to participate in military operations, and widespread looting of private property and assets. I am particularly concerned at the situation in El Fasher, North Darfur, which has been under attack by the Rapid Support Forces since May, potentially echoing the serious human rights abuses committed last year in West Darfur, and has led to a rapid deterioration of the humanitarian situation and increasing concerns regarding the protection of civilians. Thousands of people have been forced to flee in search of safety, including to eastern Chad. I also condemn attacks by the Rapid Support Forces against hospitals, including the recent attack on a kidney dialysis hospital in El Fasher which has already led to the death of patients due to denial of access to life-saving services.

As always in times of war, innocent civilians are paying the highest price and continue to do so while trying to flee to safety. In their displacement journey, women and girls face particular risk of sexual and gender-based violence. I also heard about forced returns of Sudanese nationals into Sudan, which raise concerns about respect for the principle of *non-refoulement*. Many people have been stranded at borders with no access to food and water. In this context, I urge neighbouring countries to uphold people's right to seek and enjoy asylum. We should all recall that Sudan has over decades offered a safe asylum space for a large number of foreign nationals seeking safety.

The suffering of Sudanese people needs to end. It is high time for the Sudanese leadership to cease hostilities and engage in political talks – not tomorrow, not in a week, but now. Every country that has influence or leverage on the parties should aim to reach that goal. I repeatedly encouraged the authorities to engage in a comprehensive peace process, which should include all segments of the population with a prominent place for women's participation. I remind all those involved in facilitating the transfer of arms and military material to Darfur of their obligations to comply with the arms embargo measures as stipulated in Security Council resolution 1556 (2004). I also recall that under international human rights law, arms-exporting countries may be held responsible for their failure to take reasonable steps to prevent, investigate, punish and ensure reparations for human rights violations and abuses resulting from arms transfers.

The outcome of this visit will contribute to the High Commissioner for Human Rights' annual report on the human rights situation in the Sudan, which will be presented to the Human Rights Council at its 58<sup>th</sup> session.

I thank once again all those who took the time to meet with me in the context of my visit.

ENDS